
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

IHC HEALTH SERVICES, INC., a non-profit
Utah corporation,

Plaintiff,

v.

ELAP SERVICES, LLC, a limited liability
company,

Defendant.

**ORDER GRANTING IN PART AND
DENYING IN PART
INTERMOUNTAIN’S SHORT FORM
DISCOVERY MOTION CONCERNING
ELAP’S REFUSAL TO PRODUCE
BUSINESS STRATEGY DOCUMENTS
RESPONSIVE TO RFPs (ECF NO. 119)**

Civil No. 2:17-cv-01245-JNP-EJF

Judge Jill N. Parrish

Magistrate Judge Evelyn J. Furse

Before the Court is Intermountain’s Short Form Discovery Motion Concerning ELAP’s Refusal to Produce Business Strategy Documents Responsive to RFP Nos. 82, 83, 84, 85, 91, 101, and 103 (ECF No. 119). Having considered the briefing and argument of the parties at the October 16, 2019 hearing, the Court GRANTS IN PART and DENIES IN PART the Motion as follows:

1. The Court DENIES the Motion to the extent it seeks to compel the production of documents responsive to Request Nos. 82 and 103. Request No. 82 is a restatement of Request No. 44 which the Court previously found overbroad. Request No. 103 is too attenuated to show relevance; the mere fact a document was reviewed does not mean that it is relevant to the case.

2. The Court CLARIFIES its prior order regarding Request No. 44. The Court found Request No. 44 overbroad and burdensome, so narrowed that Request. The Court did not

make a final judgment on the relevance of any specific documents. The Court believes that there is a possibility to ask for other documents that might qualify as business plans but that also have relevance to the case; however, those requests must be narrower than what was sought in Request No. 44, which was too broad.

3. The Court ORDERS ELAP to reconsider its responses to the remaining Requests (Nos. 83, 84, 85, 91, and 101) in light of the Court's clarification. Further, the Court ORDERS the parties to meet and confer on ELAP's positions after reconsideration of its responses and for the parties to otherwise meet and confer on the specific issues relating to these Requests that the Court outlined at the hearing.

DATED this 17th day of October, 2019.

BY THE COURT:


Magistrate Judge Evelyn J. Furse